

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/696,390	STOKES ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Antonio A Caschera	2676	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Appeal Brief filed, 01/31/05.
2. ☒ The allowed claim(s) is/are 1,3-12,14,16-24,26-29 and 31-33.
3. ☒ The drawings filed on 15 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

*fw*

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for domestic priority under 35 U.S.C. 119(e).

### ***Response to Arguments***

2. As indicated in the Advisory Action dated, 7/28/2004, the previous 35 USC 112, 2<sup>nd</sup> paragraph rejection of claim 1 has been withdrawn since the applicant amended claim 1 to overcome the antecedent basis issue.
3. Applicant's arguments, see pages 7-9 of Appeal Brief, filed 1/31/2005, with respect to independent claims 1, 14, 24 and 29 have been fully considered and are persuasive. The current prior art rejections of claims 1, 3-12, 14, 16-24, 26-29 and 31-33 have been withdrawn. In particular, Lavendel discloses an image input operations manager and not a device driver, as claimed in the present invention, that is responsible for determining whether color management is to be performed and for sending image data to the appropriate module for color management processing (see page 7 of Appeal Brief, last paragraph).

### ***Allowable Subject Matter***

4. Claims 1, 3-12, 14, 16-24, 26-29 and 31-33 are allowed.

The following is an examiner's statement of reasons for allowance:

In reference to claims 1 and 24, the prior art of record (Lavendel et al. (U.S. Pub 2002/0126147 A1), Shiraiwa (U.S. Patent 6,611,621) and Lipton (U.S. Patent 5,835,098)) does not explicitly disclose a device driver controlling a device according to image acquisition control parameters and invoking a color management function on image data when a color management parameter is set to indicate that color management is required, in combination with the further limitations and interconnections of elements in claims 1 and 24 respectively.

In reference to claims 3-12 and 26-28, claims 3-12 and 26-28 depend upon allowable claims 1 and 24 respectively and therefore are also deemed allowable.

In reference to claims 14 and 29, the prior art of record (Lavendel et al. (U.S. Pub 2002/0126147 A1), Shiraiwa (U.S. Patent 6,611,621) and Lipton (U.S. Patent 5,835,098)) does not explicitly disclose a color management application programming interface to invoke a color management function of a color management component of an operating system on image data when a color management parameter is set to indicate that color management is to be performed, in combination with the further limitations and interconnections of elements in claims 14 and 29 respectively.

In reference to claims 16-23 and 31-33, claims 16-23 and 31-33 depend upon allowable claims 14 and 29 respectively and therefore are also deemed allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 2676

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Antonio Caschera whose telephone number is (571) 272-7781. The examiner can normally be reached Monday-Thursday and alternate Fridays between 7:30 AM and 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached at (571) 272-7778.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

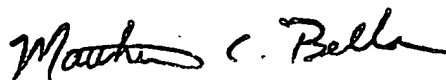
**(703) 872-9314 (for Technology Center 2600 only)**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

/

aac

4/7/05



**MATTHEW C. BELLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600**